
(2010) 12 P&H CK 0201
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 13428 of 1989

Jai Kishan

APPELLANT

Vs

Presiding Officer, Labour Court and Others

RESPONDENT

Date of Decision : 10-12-2010

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2010) 12 P&H CK 0201

Hon'ble Judges : Ritu Bahri, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ritu Bahri, J.—This petition has been filed under Articles 226/227 of the Constitution of India for quashing the award dated 25.4.1989 (Annexure P-1) by which reference of the Workmen for reinstatement has been declined.

2. The Petitioner was employed as Driver with the Punjab State Tubewell Corporation since 30.8.1982 at Punjawan Lining Division, Abohar. On 25.5.1987, the services of the Petitioner were retrenched.

3. The Petitioner challenged the termination order before the Labour Court, on the ground, that the juniors were retained in service and there was violation of Section 25G of the Act.

4. The Management took a stand that one month's notice before termination of the services, as per Section 25F of the Act had been served. The Petitioner was retrenched because of the closing of the certain Divisions and the staff was rendered surplus. The Petitioner after having accepted retrenchment compensation was estopped from challenging the termination. Appointment of the Petitioner as Driver was made at Divisional Level. Seniority list of the Drivers is maintained at circle level. As per the agreement between the employees of the Union and the Corporation.

5. The learned Labour Court after examining the entire evidence has come to the conclusion that on 26.5.1987, as per the seniority list of Ferozepur, Circle, the names of Hanuman Dass and Budh Raj were not in the seniority list. They were in the seniority list of Bathinda circle. Since these persons were not borne on the same seniority list, a conclusion has been drawn by the learned Labour Court that there was no violation of Section 25G of the Act.

6. In absence of the Rules length of service is the right criteria to determine seniority. In the present case, since the seniority was maintained circle-wise a departure from the principle of "first come last go" enacted in Section 25G of the Act is bound to be there.

7. Mr. Hitesh Pandit, learned Counsel appearing on behalf of the Petitioner has vehemently argued that after his services were retrenched on 26.5.1987 Hanuman Dass and Budh Raj were brought back in Ferozepur Circle after 11.9.1987. On 30.9.1987 Balwant Singh, Bihari Lal and Munshi Ram were also retrenched.

8. This writ petition is, thus, devoid of any merit, it is dismissed with no order as to costs.